

UNITED STATES DISTRICT COURT
Northern District of California

Estate of David Burkhart,

07-05467 PJH

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE
WITH COURT ORDER**

v.

United States Department of Veterans
Affairs,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at www.adr.cand.uscourts.gov.)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax

(415-522-4112), hand delivery (ADR Program, USDC, Northern District of California, 450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment to an e-mail directed to adr@cand.uscourts.gov.

It is the responsibility of counsel to schedule an ADR Phone Conference, if required, to occur before the Case Management Conference.

Dated: February 20, 2008

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



ADR Administrative Assistant
415-522-4205
Tim_Smagacz@cand.uscourts.gov

PROOF OF SERVICE

Case Name: Estate of David Burkhart v. United States Department of Veterans Affairs

Case Number: 07-05467 PJH

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program
United States District Court
Northern District of California
450 Golden Gate Avenue Floor 16
San Francisco, CA 94102

On February 20, 2008, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Estate of David Burkhart
483 Nottingham Way
Campbell, CA 95008

Jennifer S Wang
US Attorney's Office
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102-3495
jennifer.s.wang@usdoj.gov

[] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

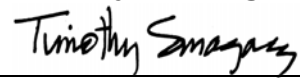
[] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 20, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

Handwritten signature of Timothy J. Smagacz in black ink.

ADR Administrative Assistant

415-522-4205

Tim_Smagacz@cand.uscourts.gov